

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OSCAR PEREZ-MARQUEZ,)
Petitioner,) 2:17-cv-01718-JCM-PAL
vs.) **ORDER**
JO GENTRY,)
Respondent.)

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner has failed to file an application to proceed *in forma pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2); Local Rules LSR1-1, 1-2.

Thus, the present action will be dismissed without prejudice to the filing of a habeas petition pursuant to 28 U.S.C. § 2254 on the form required by this court in a **new** action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on the proper form with both an inmate account statement for the past six months and a properly executed financial certificate.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*.

1 **IT IS FURTHER ORDERED** that a certificate of appealability is denied, as jurists of
2 reason would not find the court's dismissal of this improperly commenced action without prejudice
3 to be debatable or incorrect.

4 **IT IS FURTHER ORDERED** that the clerk shall send petitioner two copies each of an
5 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section
6 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers that
7 he submitted in this action.

8 **IT IS FURTHER ORDERED** that the clerk shall enter judgment accordingly and close this
9 case.

10 || Dated August 1, 2017.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE